

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DONNA CRAWFORD,

Plaintiff,

v.

STATE OF TENNESSEE
DEPARTMENT OF FINANCE AND
ADMINISTRATION, DIVISION OF
MENTAL RETARDATION SERVICES,

Defendant.

No. 3:09-0779
JUDGE ECHOLS

ORDER

Pending before the Court is the Report and Recommendation ("R&R") entered by the United States Magistrate Judge on March 23, 2010 (Docket Entry No. 29), to which no objections have been filed. The Magistrate Judge recommends granting Defendant's Motion For Summary Judgment (Docket Entry No. 6).

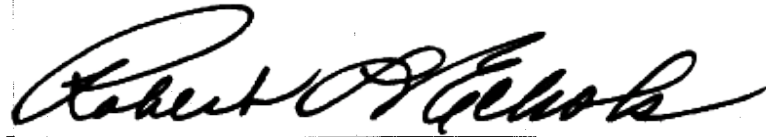
Where no objections to an R&R are filed, the Court may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the Magistrate Judge with instructions. Fed.R.Civ.P. 72(b)(3).

Having carefully reviewed the entire file, the Court concludes there is not an error of fact or law in the R&R, and summary judgment is appropriate in favor of Defendant. The Court adds that, even if Plaintiff brings a Title II claim under the Americans With Disabilities Act which is not barred by sovereign immunity under Tennessee v. Lane, 541 U.S. 509 (2004), as she argues, any such ADA claim is still barred for failure to exhaust the claim in a timely manner before the EEOC within 300

days after the alleged disability discrimination in 2003. See 42 U.S.C. § 12117(a) (incorporating the requirements of Title VII); Hall v. The Scotts Co., 211 Fed.Appx. 361, 363 (6th Cir. 2006) (applying 300-day period for filing ADA charge with EEOC). Accordingly,

- (1) the R&R of the Magistrate Judge (Docket Entry No. 29) is hereby ACCEPTED;
- (2) Defendant's Motion For Summary Judgment (Docket Entry No. 6) is hereby GRANTED;
- (3) Defendant's Motion To Stay Discovery (Docket Entry No. 28) is hereby DENIED AS MOOT;
- (4) this case is hereby DISMISSED WITH PREJUDICE; and
- (5) the Clerk is directed to enter judgment in a separate document in accordance with Federal Rule of Civil Procedure 58(a).

It is so ORDERED.



ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE